

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Dakotabilities
Accountability Review - Focus Monitoring Report 2007-2008**

Team Members: Valerie Johnson and Penny Gilles, Educational Specialists

Dates of On Site Visit: January 25, 2008

Date of Report: February 7, 2008

3 month update due: May 7, 2008

6 month update due: August 7, 2008

9 month update due: November 7, 2008

Closed December 12, 2008

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
- (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
- (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)

State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference- ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

FAPE IN THE LEAST RESTRICTIVE ENVIRONMENT

Follow-up: None

Finding: None

GENERAL SUPERVISION 1

April 2004 report:

ARSD 24:05:30:05. Content of notice.

Parents are notified on the prior notice of what evaluations will be done, and is it documented that they are given the opportunity to provide input to the evaluation process. However, there were evaluations listed on the prior notice that were not administered.

Follow-up date: 1/25/2008

Present levels:

A review of the three files of individuals at Dakotabilities indicated appropriate use of the prior notice with all of the questions completed in two out of three of the files. In file #1, the meeting invitation was not completely filled out. A separate sheet of paper indicates the individuals and types of evaluations which will be completed.

Finding: Meets Requirement

Corrective Action: None

GENERAL SUPERVISION 2

April 2004 report:

ARSD 24:05:25:04 Evaluation procedures

April 2004 report:

Many forms, evaluations, checklists and skill-based procedures are used for functional evaluations completed at DakotAbilities, however, it is not specifically written in a functional evaluation report. Observations, rather than evaluations, are done by a certified speech/language pathologist.

Follow-up: 1/25/2008

Finding:

A review of the three files indicated Dakotabilities conducts evaluations on a timely basis and documents the findings in a written report. However, the prior notice does not delineate the evaluations will be done on a functional basis and appear to indicate standardized testing, which is not completed. This was apparent in all three files.

Corrective Action:

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The agency will review all prior notices for evaluations and determine the parents are notified if functional evaluation will be completed instead of standardized evaluations. Data Collection: The agency will submit two prior notices to the state office indicating the types of evaluations to be conducted.	November, 2008	Special education director, Case Manager.	December 5, 2008 The agency submitted one prior notice 5/2008 which was approved. Due to a change in the agency's comprehensive plan, they will no longer be completing prior notices, and therefore this corrective action will be closed out as of December 5, 2008.

GENERAL SUPERVISION 3

April 2004 report:

ARSD 24:05:27:01.01. IEP team.

Appropriate team membership is required for every IEP/IHP meeting. Files reviewed showed that a regular educator was not present at the IHP meetings.

Follow-up: 1/25/2008

Present levels:

A review of the three files of individuals at Dakotabilities indicated appropriate individual education program team membership.

Finding: Meets Requirement

Corrective Action: None

GENERAL SUPERVISION 4

April 2004 report:

ARSD 24:05:27:01.03. Content of individualized education program. Present levels of performance need to be specified as to what the student's strengths, weaknesses, areas/skills to be addressed, parent input and how the student's disability affects the student's involvement and progress in the general curriculum. Present levels of performance must be linked from the evaluations completed, and after being stated in the present levels of performance, are then used to write the goals and objectives. Transition must also be addressed as the students are above age 14. Examples of statements on the present level of performance included, "___ has many strengths." Transition and areas to be addressed were not addressed. Parental input also needs to be included on this page.

Follow-up: 1/25/2008

Present levels:

A review of the three files of individuals at Dakotabilities indicated appropriate individual education program content in two of the three files. Dakotabilities uses an IHP format that has all of the required content. In file #1, neither an IEP nor an IHP was present. Upon interview with the case manager, it was noted that an IEP had not been completed.

Finding: Out of Compliance

Corrective Action:

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The agency will have on file an IHP or IEP document which meets all the requirements for each individual attending that is still under the authority of a local education agency. Data Collection: The agency will submit two completed IHPs or IEPs to the special education office. The agency will attend an IEP training to review the IEP process and the requirements of the IEP process. Upon completion of the training, the agency will submit an agenda and a list of all employees who attended the inservice.	December, 2008	Special education director, Case Manager.	December 5, 2008 The agency submitted one IEP 5/ 2008. The staff attended an IEP training on 6/23/2008. Due to a change in the agency's comprehensive plan, they will no longer be completing prior notices, and therefore

			this corrective action will be closed out as of December 5, 2008.
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